

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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PROMEGA CORPORATION,

Plaintiff,

MAX-PLANCK-GESELLSCHAFT ZUR  
FORDERUNG DER WISSENSCHAFTEN  
E.V.,

Case No.: 10-CV-281

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,  
INVITROGEN IP HOLDINGS, INC., and  
APPLIED BIOSYSTEMS, LLC,

Defendants.

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**PLAINTIFF PROMEGA CORPORATION'S RESPONSE TO DEFENDANTS  
PROPOSED VOIR DIRE QUESTIONS (DKT. #395)**

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Now Comes, Promega Corporation, and in response to the Defendants Proposed Voir Dire notes the following:

Statement of the Case. The Defendants misstate the case and in providing the statement attempt to argue matters in advance. This is a patent matter, and the jury should be so instructed. The Defendants' proposal, for example, argues to the jury about the grant of a license to Life, and then argues, "however" this suit was brought. Together, these statements leave the impression that Promega is at fault in even filing the litigation, and the Defendants fail to mention this Court's finding of infringement.

Promega proposes that the straightforward statement it proposed in the Introductory Instructions be used as a template for any comments about the case to prospective jurors:

This is a patent case that involves the manufacture, support and sale of products that are used in genetic testing. The Plaintiff, Promega Corporation has a number of patents on that technology that it contends the Defendants, Life Technologies, Invitrogen IP Holdings and Applied Biosystems, LLC, infringed. The Defendants deny the allegations.

(Plaintiff Promega Corporation's Proposed Preliminary Jury Instructions and Post-Trial Jury Instructions for Trial on Liability (Dkt. #406)).

Dated: January 25, 2012

RESPECTFULLY SUBMITTED,

**TROUPIS LAW OFFICE, LLC**

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